

# Town of Greenwich

## Board of Selectmen

February 8, 2018

10:00 A.M.

Town Hall Meeting Room

### APPROVED MINUTES

#### 1. The meeting opened at 10:06 A.M. with the Pledge of Allegiance.

##### a. Attendance:

- a. First Selectman Peter J. Tesei - Present
- b. Selectman John Toner - Present
- c. Selectman Sandy Litvack - Present

Following the Pledge, Mr. Tesei greeted and welcomed attendees commenting that it was a Public Meeting of the Board of Selectmen who reserve the right to call on people to ask questions and make comments.

#### 2. Approval of Minutes

- a. Minutes of the Regular Board of Selectmen meeting held on January 25, 2018 were moved for approval by Mr. Litvack, seconded by Mr. Toner. The motion passed unanimously.
- b. Minutes of the Special Board of Selectmen meeting held on February 5, 2018 were moved for approval by Mr. Litvack, seconded by Mr. Toner. The motion passed unanimously.

#### 3. First Selectman's Updates

- a. Mr. Tesei said that there has been a bevy of meetings that have consumed considerable time of Town departments and their representatives. He also noted that the Department of Public Works is shepherding a number of projects. He read an email from resident David Fox complimenting the presentation and demeanor of DPW Deputy Commissioner James Michel during the Jan. 25 community meeting regarding the Sound Beach Avenue. Mr. Tesei said that some of the residents comments during the meeting were caustic and snarky because they did not like what was being presented.
- b. On Jan. 29, Mr. Tesei presented his recommended budget for 2018-19 to the Budget Committee of the Board of Estimate and Taxation.
- c. On Feb. 2, there was a meeting of several Town department heads including DPW with Eversource to discuss the design management phase of Eversource's substation project on Railroad Avenue. The Town has filed an appeal of the CT Siting Council's approval of the project. However, Eversource continues the project's design work.
- d. On Feb. 6, Mr. Tesei and Town Planner Katie DeLuca visited the Catterton Partners building, a recently renovated office building at 599 W. Putnam Ave. He also said there are plans to propose construction of medical offices along with affordable housing at 500 W. Putnam Avenue.
- e. Mr. Tesei said that the Old Greenwich pump station work will resume this spring with work along Ballwood, Husted and Meadow Lane. He also said

that the work at Binney Park will be completed this spring. The Old Greenwich drainage project should be completed by fall 2018 and that residents can expect road closures during construction.

- f. He also said the Eastern Greenwich Civic Center has issued an RFP (request for proposal) for developing a recreational center at the location. There is a placeholder for \$12 million in capital funding for next year's Capital Budget. Mr. Tesei said there will be a survey to determine what the community wants.

#### **4. Old Business**

- a. **Amendment of term expiration dates for various Boards and Commissions – John Eddy.**

Mr. Tesei said that this was a pro forma action by the Board of Selectmen – reaffirming the Representative Town Meeting's (RTM) approval to stagger the term expiration dates for various Boards and Commissions. He also thanked RTM Appointments Committee Chair John Eddy for his support and work during the long process to initiate and approve the changes.

Mr. Toner made a motion to approve the amendment. Upon a second by Mr. Litvack, the motion was approved unanimously.

- b. **Update to parking ordinances – Hillside Road.**

Mr. Tesei said this has been identified as an area for improvement that has prompted questions from each of the Selectmen. He said it was unfortunate that no one from the Schools was available – Superintendent Gildea or Safety and Security Director Bobkowski.

Mr. Tesei then read from the Q&A documents provided Feb. 7 by the Board of Education.

Mr. Litvack said he did not want the issue to fall between the cracks; that he is sympathetic to the people who live on Hillside; that they have a right to peace and quiet. He also said that parking is as much a right for residents as it is for students. In light of the fact that there are 288 parking spots with 303 seniors who want those spots, Mr. Litvack said that it was his view to do away with student on-street parking and it should be for residents. He also said that would mean the number of parking spots available will be reduced and that it was far more important to do away with a few parking spaces for students. Mr. Litvack added, that parking is not a right, that not all in Greenwich were born driving BMWs. He said it should be a privilege – perhaps for students who make honor roll. He said that the residents on the streets have asked the Board how to remove those spaces from students.

Mr. Toner said he agreed with Mr. Litvack in that neighbors do have rights but he is not sure codifying the parking restrictions will do anything to ease the parking on the street.

Capt. Mark Kordick, interim Parking Services Director, said that records indicate the last thing the Board of Selectmen did was in 1991 when it approved the J permit for juniors. He also said that unless there is a regulation for a specific street, on-street parking is allowed in the state of Connecticut.

Mr. Litvack asked whether there should be specific spaces for students and whether generally, can anyone park there.

Capt. Kordick said if the Board were to decide to change the existing 1991 regulation, it can't impact the Planning & Zoning requirement. There is visitor's parking and the school gets 188 average daily visitors, he said. He added that it makes sense to have 2-hour parking.

Mr. Litvack asked how many on-street student parking spaces are available.

Capt. Kordick replied there are about 100.

Resident Bob Brady, who said he was a member of the MISA Building Committee, and he recalls that the Planning & Zoning Commission approved 383 total spaces for the project of which 72 are on the street.

Mr. Tesei asked how can the Board best effectuate a resolution.

Mr. Litvack suggested the Board may need to seek guidance from the Legal department because of the 1995 Planning & Zoning action.

Mr. Tesei said they have to address with Legal potentially overriding actions of another body while the Board of Selectmen is the Town's traffic authority.

Capt. Kordick said there is another constituency to remember in the issue – the child of every taxpayer or about 300 students also have a right to park on the street.

Mr. Tesei said the Board should consult with Town Planner Katie DeLuca and the Town Attorney to answer the question on whether conditions placed on parking by Planning & Zoning can supersede the actions of the Selectmen which by statute is the Traffic Authority. He asked which entity would prevail to determine the use and right of parking. He also asked whether the Selectmen are bound by the conditions placed by Planning & Zoning in 1995.

Mr. Brady, who said he also served on the 1990 High School Building Committee, that the building project took away land that previously was used for parking. He also said that the MISA project counted the on-street parking towards the total number of parking spaces. He also said that from his personal experience spaces are always available in the north lot from 10 to 3 p.m.

Mr. Litvack commented that the Town has school buses that are not filled and that we are paying for bus transportation students are using.

Mr. Brady said that it was a wash with parking to make up for parking required for MISA.

At 10:44 a.m. Superintendent Gildea arrived and Mr. Tesei provided a recap of the discussion so far.

Mr. Litvack said there are 288 students parking spaces and 363 student parking permits issued. It is necessary to be far more mindful of the homeowners and the elimination of parking for them, and that student-designated space should be eliminated, he added. Regarding students, removing or reducing the number of student spaces and reducing the number of permits issued for seniors, there should be consideration of making issuing permits a privilege, not a right – perhaps making them only available for students on the honor roll.

Dr. Gildea explained there is a lottery for student permits and that students who live within 2 miles from the high school are not eligible to ride the bus. She said it is equity access opportunity for students that is a huge driver for students and that not everyone can achieve the honor roll – that highest grade they can achieve is a 'C.' She also said that not every child drives every day

and that is why more permits than the number of spaces available are issued. She said that parents double-parking is causing the problems and that there is a need for re-education of parents on where to drop off or pick up students. There has been discussion of the number of spaces available and whether to assign student spaces but because not all permit-issued students drive every day, there is a risk of having empty assigned spaces, Dr. Gildea explained.

Mr. Litvack said this is an issue of trying to allow residents to enjoy their rights.

Traffic Operations Coordinator Melissa Evans said that this issue has been discussed since January and that the problem exists at every school in Town because invariably, there is a parent who doesn't follow the practice of proper drop-off and pick-up.

Mr. Tesei said that consultants have noted that it is unusual for the campus to have only one exit.

Miss Evans said the traffic issues occur for 20 to 30 minutes in the morning and again in the afternoon – that it is a peak of a half-hour twice a day.

Mr. Brady said that his notes from his work on the MISA Building Committee on Dec. 20, 2010, indicate there is on-site parking for 663 vehicles and 72 vehicles on Hillside Road, for a total of 735. He also said that according to the plan approved for MISA, the School was to continue to enforce prohibition of double parking; distribute educational flyers for parents; that Greenwich Police would enforce parking regulations; that parent drop off and pick-up would be on the west side of MISA with the buses moved to the east side of the parking lot.

Mr. Tesei said that the Board of Selectmen would not be deciding the issue today.

Mr. Litvack said he wants to be informed of the validity of the 1995 Planning and Zoning approval and then review the designated parking area and whether on-street parking can or should be removed.

Resident Ashley Cole said that she has postponed making a seven-figure investment on her property because the situation hurts property values and that she wants to save a historic neighborhood.

Resident Brook Dempsey said that he has a lot at risk with his net worth of his real estate. While he said is heartened by the Board's review he has an expectation of living in a residential neighborhood and that Greenwich High School is in a residential neighborhood and should not be a commercial enterprise. He described the campus as looking like an industrial complex when it is lit at night for activities.

## **5. New Business**

### **a. Harbor Management Commission request for reauthorization of mooring fees.**

Harbor Management Commission Chair Bruce Angiolillo said the fees are consistent with the Commission's Harbor Management Plan. The fees are exclusively used for the benefit of Greenwich harbors. If approved, the fee would then be forwarded to the RTM for approval.

Mr. Litvack questioned how many permits are issued; how the money is used and how does the Commission determine the fee?

Mr. Angiolillo explained that in past seasons there was an effort to regulate the registration and payment of mooring fees but that it was largely unknown to the Town who was paying and what they are paying for. With the online registration system, the Commission will be able to enforce the fees and help create more revenue.

Mr. Litvack asked Mr. Angiolillo what he meant by his explanation.

Mr. Angiolillo said he was trying to politic – that the state-appointed Harbormaster was not obligated to cooperate with the Commission and did not share the information. He estimated that the Commission collected between \$0,000 and \$50,000 a year in fees and has accumulated a \$200,000 nest egg. Some of the money will be used to add additional navigational markers. He also said the Commission recently met with the Army Corps of Engineers and they are working on plans for a Greenwich Harbor dredge as well as a partnership with the Town for environmental studies.

Mr. Angiolillo said there are about 800 moorings along the 26 miles of coastline and that the Town is on the low end of the industry fee structure. There is not a waiting list for moorings. The Commission also has a committee reviewing the feasibility of taking in transient moorings, he added.

Mr. Litvack questioned why the fee is not \$100.

Mr. Angiolillo said the Commission is concerned that there is all this water but not enough public access.

Mr. Tesei said there is \$100,000 in the Capital budget to study for a dredge of Greenwich point with \$1 million slated for the 2020 budget to do the work. He also said there also is a review of a possible plan to expand Roger Sherman Baldwin Park with a bigger bulkhead to accommodate transient boaters and that it would allow more public access.

Mr. Angiolillo said Greenwich Harbor has been s a federal channel since the late 19<sup>th</sup> century. Dredging would be a federal project but there isn't any federal money available. He said there hasn't been any commercial activity in decades and the harbor was last dredged in 1954-55. He said disposal of the dredging spoils is of a concern. Once possible use is to expand Grass Island or Roger Sherman Baldwin Park and by creating marshlands at the mouth of Horseneck Brook.

Mr. Litvack said he will support the \$75 mooring fee and that with the ambitious Commission plans, they should consider a higher fee.

Mr. Brady said he supported the fee and said he thought the Harbor Management Commission budget should be a public document.

Mr. Angiolillo said the Commission presents its budget and accounts for its money in its presentation to the Board of Selectmen and the BET. To do make the formal departmental annual budget presentations would require hiring staff. He also said the idea of charging a water entry fee for every boat would be difficult to enforce and will upset many homeowners who have rowboats tied up outside their homes.

Following a motion by Mr. Toner that was seconded by Mr. Litvack, the mooring fee was unanimously approved.

- b. Municipal Improvement Status Approval for Sound Beach Avenue bridge and roundabout improvements – Deputy DPW Commissioner Jim Michel.**

Mr. Tesei explained that with Municipal Improvement requests, the presentation is made at one meeting with the Board taking a vote on whether to approve at the following meeting.

Mr. Michel introduced Senior Engineer Gabriella Circosta Cohee who has lead the project. Ms. Cohee explained the bridge has been rated as poor and that the intersection does not meet federal standards. She said there are four projects that are encompassed into one overall project and provided a history of it dating back to 2013.

The project involves elevating the road to meet FEMA regulations and that if a 100-year storm were to occur, it would be difficult to access the eastern portion of Old Greenwich. The project will involve a temporary construction easement in front of the Perrot Memorial Library and moving the wall in front of the library two feet closer to the building. She said the Municipal Improvement status is needed in order for the plan to proceed to the Planning and Zoning Commission. Once that is done, the final design plan will be completed.

Mr. Litvack inquired on the ultimate cost.

Mr. Michel said the projected cost is \$4.9 million that will be reimbursed 100% by the State. So the net cost is zero.

Mr. Tesei questioned whether the State could renege on the financial commitment. Mr. Michel explained that if the Town did not accept the money, it would be designated to another lower Fairfield County town.

Mr. Litvack asked why Mr. Michel thinks the money is available. Mr. Michel explained that the funds are available and are bonded.

Mr. Michel explained that the Town will receive the money once the project is bid and a contract is awarded, in response to Mr. Litvack's question regarding timing. Mr. Michel said that waiting for the Feb. 22 Board of Selectmen meeting for a vote will not hinder him from presenting the project to the Planning and Zoning Commission in March.

## **6. Appointments and Nominations**

- a. Mr. Litvack nominated Edwin 'Dave' Hardman as an alternate member of the Planning and Zoning Commission for a term expiring March 31, 2020. Mr. Litvack outlined Mr. Hardman's experience in real estate and the community.

Upon a second by Mr. Toner, the nomination was approved unanimously.

Mr. Litvack commented that Mr. Hardman was an outstanding candidate but that he did not want that to detract from the fact the other candidates for the nomination also were outstanding.

## **7. Executive Session**

Mr. Litvack motioned to enter into executive session at 12:13 P.M., seconded by Mr. Toner, for the purposes of discussing initiation of action to enforce or implement legal relief or a legal right. The Board voted 3-0 in favor.

Present in Executive Session were: J. Wayne Fox, Town Attorney; Assistant Town

Attorneys Eugene McLaughlin and John Wetmore; Recording Secretary Barbara Heins.

Mr. Toner moved to exit Executive Session at 12:48 P.M. Following a second by Mr. Litvack, the Board voted 3-0-0 in favor.

Mr. Litvack made a motion that was seconded by Mr. Toner to settle Docket No. HHB CV 16-6034141S - Parcel No. 04-2186/S for a tax credit of \$4,165. The motion was approved unanimously.

### 8. Adjournment

Mr. Litvack motioned to adjourn at 1:45 P.M.; seconded by Mr. Toner, the Board voted 3-0-0 in favor.

The next Regular Meeting of the Board of Selectmen is scheduled for Thursday, February 22, 2018 at 10:00 A.M. in the Town Hall Meeting Room.



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Peter J. Tesei, First Selectman



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Prepared by Barbara A. Heins,  
Recording Secretary